

REMARKS

Claims 1-35 are pending in the present reissue application. This application is a reissue application of the U.S. Patent No. 5,916,127 ("the '127 Patent"). The '127 patent was issued from the application 08/688,622 ("the '622 Application").

This Amendment is in response to the Office Action mailed November 9, 2005. In the Office Action, the Examiner rejected claims 1, 4-5, 7, 9, 12, and 20-27 under 25 U.S.C. §251 and claims 1, 4-5, 7, 9, 12, 20, 21, and 25-27 under 35 U.S.C. §102(b). The Examiner allowed claims 14-19, 28 and 35. Applicant has amended claim 1. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. CLAIM REJECTIONS UNDER 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1, 4, 5, 7, 9, 12, 20, 21, and 25-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,447,325 issued to Tiley. ("Tiley") or U.S. Patent No. 3,797,239 issued to Hausmann et al. ("Hausmann").

Applicant has amended claim 1 to provide further specificity to the claim language. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(b) be withdrawn.

II. ALLOWABLE SUBJECT MATTER

In the Office Action, the Examiner allowed claims 14-19, 28, and 35. In the Office Action dated August 26, 2003, the Examiner stated that if amended to clearly state that the respective first and second streams are supersonic and subsonic, claim 1 and all current dependent claims including claims non-elected species, i.e., all of claims 1-13 and 20-27, will also be allowed.

Applicant has amended claim 1 to provide further specificity to claim 1 language. Accordingly, Applicant respectfully requests that claims 1-28, and 35 be allowed.

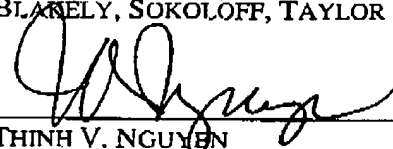
CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLANKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 9, 2006


THINH V. NGUYEN
Reg. No. 42,034

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

Date: 02/09/2006

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office.

02/09/2006


Tu Nguyen

Date